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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION: Russell David Waters

Serial No.: 10/070,272

Group Art Unit: 2907

Filed: March 1, 2002

Examiner: Glenn K. Dawson

Title: APPARATUS FOR APPLYING SURGICAL FASTENERS

Docket No.: 16-124

AMENDMENT TRANSMITTAL

MS FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Transmitted herewith is an Amendment for this application.

11/30/2004 EAREGAY1 00000005 10070272

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55.00 0P

I hereby certify that this paper is being deposited
today with the U.S. Postal Service as 1st Class
Mail addressed to the Assistant Commissioner
for Patents, P.O. Box 1450, Alexandria, VA
22313-1450

on 11/24/04

By: [Signature]

The fee for claims has been calculated as shown below:

CLAIMS	FOR	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c))	49	51	0	x \$18.00 =	\$.00
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	2	1	0	x \$86.00 =	\$ 00.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$280.00	\$ 0.00
	Total of Above Calculations =					\$ 0.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28).					\$ 0.00
	TOTAL =					\$ 0.00

X Small entity status is claimed under 37 C.F.R. §§ 1.9, 1.27:

___ A check is enclosed to cover the \$___ fee for the presentation of additional claims.

___ A check is enclosed to cover the \$_____ fee for the Terminal Disclaimer under 37 C.F. R. 1.321(c)

___ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for an extension of time.

X Applicant hereby petitions for a:

<u>X</u>	one month	(37 C.F.R. § 1.17(a):	\$110.00/\$55.00)
___	two month	(37 C.F.R. § 1.17(b):	\$430.00/\$215.00)
___	three month	(37 C.F.R. § 1.17(c):	\$980.00/\$490.00)
___	four month	(37 C.F.R. § 1.17(d):	\$1,530.00/\$765.00)
___	five month	(37 C.F.R. § 1.17(d):	\$2,080.00/\$1,040.00)

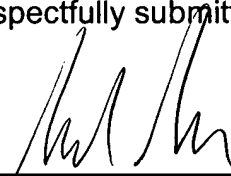
extension of time pursuant to 37 C.F.R. § 1.136(a). If an additional extension of time is required, please consider this a petition therefor.

X A check is enclosed to cover the \$ 55.00 extension of time fee under 37 C.F.R. § 1.17.

_____ Charge Deposit Account No. 23-0630 in the amount of \$ 0.00 for presentation of additional claims.

X The Commissioner is hereby authorized to credit any overpayment or to charge any fees under 37 C.F.R. §§ 1.16, 1.17 in connection with this communication to our Deposit Account No. 23-0630.

Respectfully submitted,



Date: November 24, 2004

Michael A. Miller, Reg. No. 50,732
WATTS, HOFFMANN CO., L.P.A.
1100 Superior Ave., Ste. 1750
Cleveland, Ohio 44114
Phone: (216) 241-6700
Facsimile: (216) 241-8151



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Russell David Waters
Serial No.: 10/070,272
Filed: March 1, 2002
Title: APPARATUS FOR APPLYING SURGICAL FASTENERS
Docket No.: 16-124
Art Unit: 2907
Examiner: Dawson, Glenn K.

Watts Hoffmann Co., L.P.A.
1100 Superior Avenue, Suite 1750
Cleveland, OH 4414-2518

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment

Dear Sir:

Responsive to the Office Action having a mailing date of July 27, 2004, please consider the amendments and remarks set forth below. A one-month extension of time in which to respond is hereby requested.